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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Marcos Antonio PEREZ-Vasquez, Defendant.	Mag. Case No. '07 MJ 8973 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Attempted Entry After Deportation

The undersigned complainant, being duly sworn, states:

On or about December 8, 2007, within the Southern District of California, defendant Marcos Antonio PEREZ-Vasquez, an alien, who previously had been excluded, deported, and removed from the United States to Mexico was apprehended in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4) , and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 10th DAY OF DECEMBER 2007.

PETER C. LEWIS
United States Magistrate Judge

UNITED STATES OF AMERICA
v.
Marcos Antonio PEREZ-Vasquez

STATEMENT OF FACTS

The complainant states that this complaint is based upon the statements of the apprehending Border Patrol Agents, J. Rivera and Agent R. Ramirez, that the Defendant was arrested on December 8, 2007 east of Calexico, California.

BPA Rivera was performing his assigned Border Patrol duties approximately .5 miles east of the Calexico, California west Port of Entry. BPA Rivera observed an individual later identified as Marcos Antonio PEREZ-Vasquez climb over the U.S./Mexico International Boundary Fence. BPA Rivera notified agents that the individual ran north into an apartment complex south of 2nd street and Arroyo Ave intersection. BPA Rivera responded to the area and after searching the area was unable to locate anyone and left the scene. BPA Ramirez maintained constant visual of the apartment complex.

After approximately ten minutes, BPA Ramirez observed an individual later identified as Andre Albert ACUNA, walk into the apartment complex. ACUNA was observed walking out of the apartment complex with PEREZ following him. BPA Rivera responded to the area, identified himself as a United States Border Patrol Agent and questioned both subjects as to their immigration status. ACUNA stated he was a United States citizen. PEREZ stated that he was a citizen of Mexico illegally in the United States. PEREZ also admitted to entering the United States by crossing over the International Boundary Fence. ACUNA and PEREZ were arrested and transported to the Calexico Border Patrol Station for further processing.

Record checks revealed that an Immigration Judge ordered PEREZ deported to Mexico from the United States on January 4, 2005. Record checks also revealed that PEREZ is a registered sex offender.

There is no evidence PEREZ has sought or received permission from the Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States.